

Remarks

Claims 1-7 remain pending. Claim 1 is amended. The specification also is amended.

The Examiner objected to the drawings, stating that Figure 1 should be labeled as "prior art." The Applicants respectfully disagree. Fig. 1 is generic to the prior art as well as the disclosed invention, and is intended to teach the general concept of a series of filtration modules disposed serially in a pressure vessel. Applicants request that Fig. 1 not be exclusively denominated as prior art.

Claims 1-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chancellor '014 in view of Chenoweth and Eckman. The rejection is overcome by the amendment of claim 1. Claim 1 is amended to recite "each filtration membrane having two open ends to receive the fluid in bi-directional flow," and "wherein a fluid filtration flow enters both said open ends of said filtration membranes" This flow pattern is illustrated by the directional flow arrows in Applicants' Fig. 2. Further disclosure of this limitation and its advantages is provided at, for example, page 7, lines 11-13 and page 8, lines 1-4 of the specification text.

In marked contrast, the device of Chancellor '041 has a *unidirectional* axial flow through each osmosis membrane assembly 50, as indicated by the flow arrows in Figs. 2 and 3, (and Figs. 3 and 4). Stated differently, in the Chancellor device, the fluid to be filtered does not flow into the both open ends of each membrane, so the efficiency of the Chancellor device is compromised by the deleterious pressure losses discussed at page 7, lines 4-10 of the specification.

Thus, Chancellor does not teach or suggest an apparatus where each filtration membrane has "two open ends to receive the fluid in bi-directional flow" where the "fluid filtration flow enters both said open ends of said filtration membranes," the invention of claim 1 is distinguished therefrom.

Neither Chenoweth nor Eckman teach the subject matter that is absent from Chancellor but which was added to claim 1 by amendment. Accordingly, even assuming the three applied references can properly be combined as the basis of an obviousness rejection, the combination

does not cause the invention of claim 1 to be unpatentable. None of the references have the bi-directional flow into both open ends of each filtration membrane as recited in amended claim 1.

The specification is amended in minor ways in several places. The amendments to the specification are solely to rectify typographical or grammatical errors, to provide reference numerals in the text for correlation to the drawings, or to enhance clarity of expression. No new matter is added.

The subject matter of the various claims was commonly owned at all relevant times.

Claim 1, as amended is allowable over the applied references. The remaining claims 2-7 depend from claim 1 and thus also are allowable. The claims are believed to be in condition for allowance, and early allowance is respectfully solicited. In the event the Examiner has questions or suggestions concerning the early resolution of this matter, he is invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rod Baker', written over a horizontal line.

By
Rod D. Baker
Reg. No. 35,434

Peacock, Myers & Adams, P.C.
Attorneys for Applicant
Post Office Box 26927
Albuquerque, New Mexico 87125-6927
(505) 998-1504

Date: February 27, 2004